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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,962	09/08/2003	Ching-Fei Chen	1496-916	8819
23595	7590	07/25/2005		EXAMINER
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/656,962	CHEN, CHING-FEI	
	Examiner Noah C. Hawk	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Acknowledgement is made of the pre-amendments to the Specification, Abstract and Claims filed on 9/8/2003. This Office Action considers the Claims in their amended form.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the inventor's signature is missing.

Drawings

3. The drawings are objected to because: on page 3, paragraph 0012 of the Specification, a reference is made to "two first upright rods 11, two second upright rods 12... two first shelf rods 21, and two second shelf rods 22" but the reference characters in Figures 1, 5, and 6 only refer to one of each. The inventor should clarify which of the extra upright rods and shelf rods are to be grouped together with the parts that have been labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

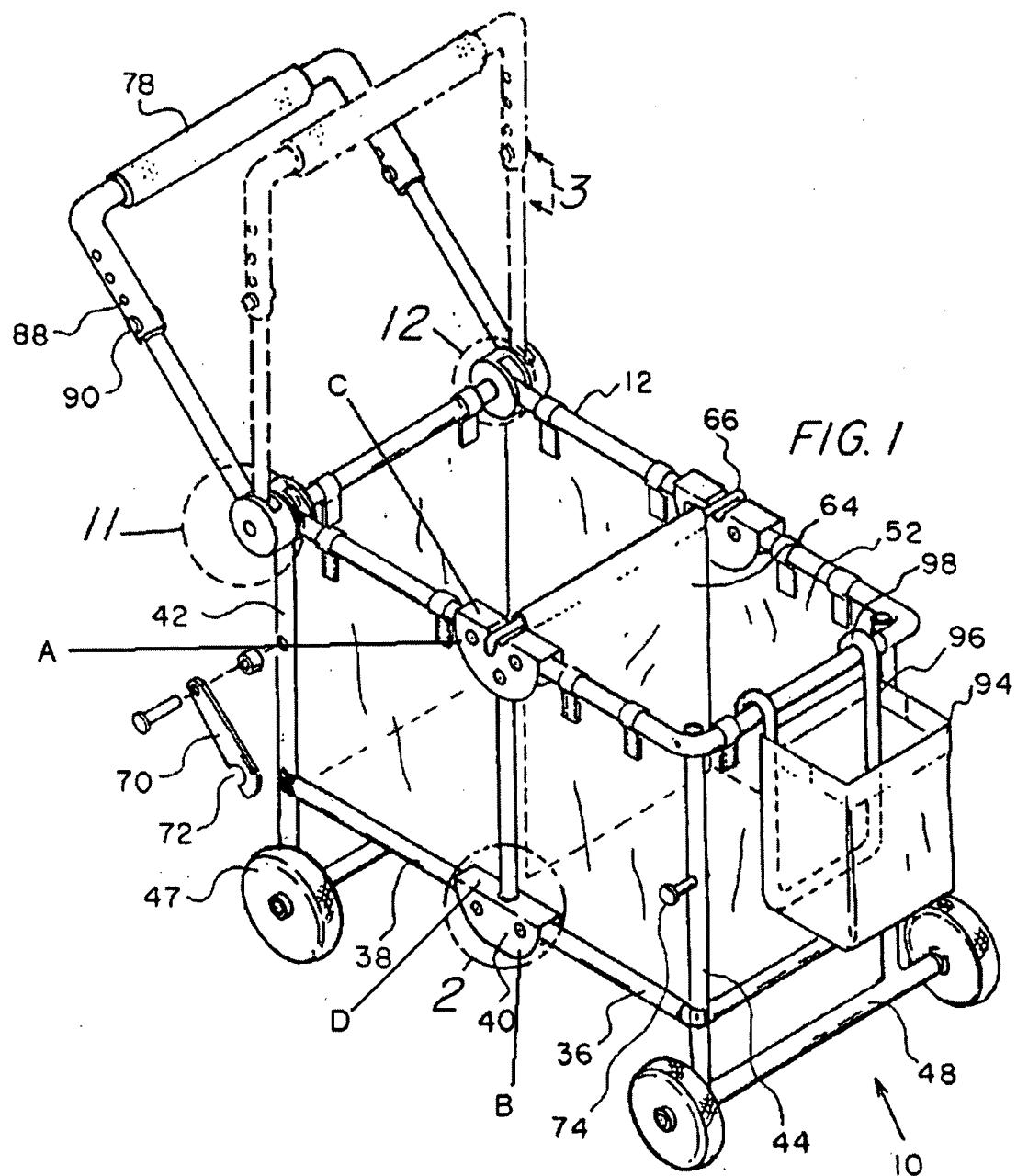
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Austin in US Patent 5915723. Austin discloses a foldable framework comprising four upright support rods (42, 44), two upper horizontal rods (14, best seen in Fig. 9) fastened between two of the upright rods, two lower horizontal rods (16, best seen in Fig. 9) fastened between two of the upright rods, and a folding structure at the midpoints of the upper and lower horizontal rods with an upper movable joint (24, best seen in Fig. 7) at the midpoint of the two upper horizontal rods, a lower movable joint (40) at the midpoint of the two lower horizontal rods, and a connection rod (46, best seen in Fig. 2) with a U-shaped upper end (A – the upper movable joint is significantly U-shaped, best

seen in Figure 9), a T-Shaped lower end (B – the lower movable joint projects perpendicularly outward from the lower section of the connection rod and is considered T-shaped), an upper stop portion (C), and a lower stop portion (D).



Austin, Figure 1

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Austin as applied to claim 3 above in view of Nielsen in US Patent 3799073. Austin discloses a foldable framework comprising four upright support rods (42, 44), two upper horizontal rods (14) fastened between two of the upright rods, two lower horizontal rods (16) fastened between two of the upright rods, and a folding structure at the midpoints of the upper and lower horizontal rods with an upper movable joint (24) at the midpoint of the two upper horizontal rods, a lower movable joint (40) at the midpoint of the two lower horizontal rods, and a connection rod (46) with a U-shaped upper end (A), a T-Shaped lower end (B), an upper stop portion (C), and a lower stop portion (D), but does not disclose a confinement through slot or a V-shaped brace with a closed end and a guide pin. Nielsen teaches a framework having a connection rod with a confinement through slot (38), a V-shaped brace (39) pivotally fastened to the upper horizontal rods (18) and with a guide pin (41) at the closed end that is slidably located in the confinement through slot of the connection rod. It would have been obvious at to one skilled in the art at the time of invention to modify the device of Austin by adding a V-shaped brace with

a guide pin and a confinement through slot to the connection rod in order to provide a more stable and secure folding action to the framework.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ming, Domin, Caverly, Canedy and French Publication 1133044 disclose foldable structures with central connection rods. Johanson, Mast, Zielinski et al., Moskovitz, Drabert et al., and Erickson disclose folding structures with V-shaped braces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nch

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai